

TITLE 16. BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

NOTICE IS HEREBY GIVEN that the Board for Geologists and Geophysicists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1625 North Market Boulevard, Hearing Room, Sacramento, California, at 10:00 a.m., on August 3, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board for Geologists and Geophysicists at its office not later than 5:00 p.m. on August 2, 2007 or must be received by the Board for Geologists and Geophysicists at the hearing. The Board for Geologists and Geophysicists, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7818 and 7860 of the Business and Professions Code, and to implement, interpret or make specific Section 7860 of said Code, the Board for Geologists and Geophysicists is considering changes to Division 29 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to amend Section 3065, Title 16, Division 29 of the California Code of Regulations, "Professional Standards."

Business and Professions Code section 7860 specifies that the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional geologist or professional geophysicist or publicly reprove or revoke the temporary authorization granted to any person pursuant to section 7848 or 7848.1 of the Business and Professions Code on the grounds that in the course of his or her practice as a geologist or geophysicist violates professional standards adopted by the board.

Current regulations set professional standards with regard to competency, misrepresentation, conflict of interest, use of confidential information, and required notifications.

This proposal would specify the circumstances under which a violation of professional conduct in the practice of professional geology or geophysics is grounds for disciplinary action. In addition, this proposal would include sections outlining requirements for compliance with applicable laws.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board for Geologists and Geophysicists has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board for Geologists and Geophysicists is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board for Geologists and Geophysicists has determined that the proposed regulations would not affect small businesses as only the individuals in violation of the Professional Standards and Code of Professional Conduct would be subject to disciplinary action.

CONSIDERATION OF ALTERNATIVES

The Board for Geologists and Geophysicists must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board for Geologists and Geophysicists has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Geologists and Geophysicists at 2535 Capitol Oaks Drive, Suite 300A, Sacramento, California 95833-2926.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Rick Rempel, Executive Officer
Address:	2535 Capitol Oaks Drive, Suite 300A Sacramento, CA 95833-2926
Telephone No.:	(916) 263-2113
Fax No.:	(916) 263-2099
E-Mail Address:	geology@dca.ca.gov

The backup contact person is:

Name:	Christine Doering
Address:	2535 Capitol Oaks Drive, Suite 300A Sacramento, CA 95833-2926
Telephone No.:	(916) 263-2113

Fax No.: (916) 263-2099
E-Mail Address: geology@dca.ca.gov

Website Access: Materials regarding this proposal can be found at
www.geology.ca.gov.